IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24465 of 2004

Between:

M. Krishna Mohan, S/o Papa Rao, Hindu, 32 years, Class I Contractor, Jallimudi village, Seethanagaram mandal, East Godavari district.

..... PETITIONER

AND

1. The Deputy Commissioner, Endowments Department, Ramaraopet, Kakinada.
2. The Commissioner, Endowments Department, Tilak Road, Hyderabad.
3. The Deputy Executive Engineer, Endowments Department, Ramaraopet, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, call for and examine the records pertaining to the agreement No.23/D.C.(Endo)/2002-03, dated 24.02.2003 and Measurement Book on the files of the respondents and issue directions, directing the respondents to pay the bills to a tune of Rs.40,616/- with interest and to pass such other order or orders as deem fit and proper.

Counsel for the Petitioner:MR.C.H.SATISH KUMAR

Counsel for the Respondents 1 to 3: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioner claims that he was entrusted with the work of repairs and improvement to Sri Uma Kotilingeswara Swamy Temple at Rajahmundry in the year 2002-03 at an estimated cost of Rs.26,72,537/-. According to him, he executed the work to the satisfaction of the respondents and despite the same, a sum of Rs.40,616/- remained unpaid. He claims to have made representations to the respondents and alleges that no action has been taken thereon.

Heard learned counsel for the petitioner and learned Government Pleader for Endowments.

The petitioner alleges that he undertook work of repairs and improvement to Sri Uma Kotilingeswara Swamy temple and that an agreement was executed on 24.02.2003. The question as to whether he executed the works as per the specifications and whether any final measurements have to be taken cannot be decided in this writ petition, that too, at this stage. The disputed questions of fact cannot constitute the subject matter of a writ petition. The petitioner claims to have made representations to the respondents for payment of the balance amount. The respondents cannot keep the matter pending indefinitely.

Hence, the writ petition is disposed of directing the respondents, in particular the first respondent to pass appropriate orders on the representations dated 04.05.2004 and 13.12.2004 said to have been made by the petitioner within six weeks from the date of receipt of a copy of this order. No order as to costs.

28.12.2004

Note:

Issue CC in three days.

(BO)

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To

1.The Deputy Commissioner, Endowments Department, Ramaraopet, Kakinada.

2.The Commissioner, Endowments Department, Tilak Road,

Hyderabad.

3.The Deputy Executive Engineer, Endowments Department,

Ramaraopet, Kakinada.

4. Two CCs.to the G.P. for Endowments, High Court of A.P.,

Hyderabad (OUT).

5. Two CD copies.